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Letter dated 3 April 2007 from the President of the International Court of Justice to the President of the General Assembly

I am writing urgently on behalf of the International Court of Justice, the principal judicial organ of the United Nations, to draw your attention to a draft resolution submitted to the General Assembly by the Fifth Committee entitled "Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice and judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda" (A/61/592/Add.4, draft resolution I). The Court understands that the Assembly is to take action on the draft on 4 April 2007.

I am instructed by the Court to express its extremely serious and deep concern that the proposed action regarding emoluments, if approved by the General Assembly, would not be in conformity with the Statute of the Court, which forms an integral part of the Charter of the United Nations. The Court is convinced that this could not have been the intention of its drafters.

It is very likely, if not almost certain, that the remuneration of newly elected judges, including those due to take office on 5 February 2009, will be substantially lower than the current remuneration, which is to be applied as a transitional measure for the current judges until such time as this amount is overtaken by the new system. (At present, a difference of approximately $2,500 per month has been identified.) Under Article 32, paragraph 1, of the Statute, each member of the Court shall receive an annual salary. As a matter of the principle of equality, the salary shall be the same for each member. Article 31, paragraph 6, of the Statute emphasizes that ad hoc judges shall also sit in equality with the permanent bench.

The equality of all judges is a fundamental principle underlying the Statute. That principle can in no way be set aside by provisions that stipulate that all new members shall be on the same salary, and that the present salary of existing members shall be protected. The proposed system would still result in discrimination between members of the Court, i.e. those who assumed office before 1 January 2007 and those who will assume office after that date.

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Any rules in this respect that may apply to national courts can have absolutely no relevance with respect to the International Court of Justice, principal judicial organ of the United Nations, which is called upon to settle disputes between sovereign States. The Member States of the United Nations that bring cases before the Court are fully entitled to assume that all judges on the bench are sitting in total equality.

In addition, the above-mentioned draft resolution also violates Article 32, paragraph 5, of the Statute: freezing the emoluments of the members of the Court currently in office, as envisaged in paragraph 7 of the draft resolution, without taking further account of changes in the exchange rate and the cost of living in the future will most certainly result in a de facto reduction in those emoluments.

The Court had earlier taken note of paragraph 10 of the report (A/61/612 and Corr.1) in which the Advisory Committee on Administrative and Budgetary Questions recommended that alternative methods be elaborated for adjusting remuneration according to market exchange rates and movements of the local cost-of-living index, with a view to protecting the level of remuneration, and that the new proposals be presented by the Secretary-General in a report to the General Assembly at its sixty-second session. The Court expected to be consulted, as usual, in the process of the preparation of such a report. Unfortunately, it was not; it has now been caught by surprise, without being previously informed, by the proposed new system being submitted for approval by the General Assembly.

You will appreciate that the problem thus created is extremely serious, since, quite apart from the financial aspects briefly summarized above, it concerns the very integrity of the Court's Statute.

The Court, which represents the principal legal systems of the world, is the guardian of legality under the Charter. It would urge the General Assembly to postpone the approval of any new system, subject to submission by the Secretary-General of new proposals, as recommended by the Advisory Committee on Administrative and Budgetary Questions.

May I kindly ask you to ensure the circulation of the present letter as a working document before any discussion of the matter by members of the General Assembly.

(*Signed*) Rosalyn **Higgins**
President

United Nations A/61/838

General Assembly

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Agenda item 61 (a)
Advancement of women

Letter dated 30 March 2007 from the Permanent Representatives of Belarus and the Philippines to the United Nations addressed to the Secretary-General

We have the honour to request you kindly to circulate the summary of the international conference on trafficking in women and girls as a document of the General Assembly (see annex).

The conference was organized by the Permanent Missions of Belarus and the Philippines to the United Nations, the United Nations Office on Drugs and Crime and Vital Voices Global Partnership at the United Nations on 5 March 2007.

The conference was held in the framework of the informal thematic debate of the General Assembly on gender equality and the empowerment of women and in consonance with the round-table discussion in the Commission on the Status of Women on the elimination of all forms of discrimination and violence against the girl child.

(*Signed*) Andrei **Dapkiunas**
Permanent Representative of the Republic of Belarus
to the United Nations

(*Signed*) Hilario **Davide**, Jr.
Permanent Representative of the Republic of the Philippines
to the United Nations

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Annex to the letter dated 30 March 2007 from the Permanent Representatives of Belarus and the Philippines to the United Nations addressed to the Secretary-General

Summary by the Chair of the international conference on trafficking in women and girls: meeting the challenge together

New York, 5 March 2007

I. Introduction

1. The international conference on trafficking in women and girls: meeting the challenge together was organized at United Nations Headquarters on 5 March 2007 by the Permanent Missions of Belarus and the Philippines to the United Nations, the United Nations Office on Drugs and Crime (UNODC) and the Vital Voices Global Partnership in partnership with the United Nations Children's Fund (UNICEF), the United Nations Fund for International Partnerships, the International Organization for Migration, Interpol, the Organization for Security and Cooperation in Europe, the International Research and Training Institute for the Advancement of Women, Girls Learn International, Inc., the Committee on Children's Rights of the Conference of Non-Governmental Organizations (NGOs) in Consultative Relationship with the United Nations, the Working Group on Girls of the NGO Committee on UNICEF, the International Union of Anthropological and Ethnological Sciences and other partners.

2. The conference was organized as part of the thematic informal debate of the General Assembly on gender equality and empowerment of women and coincided with the fifty-first session of the Commission on the Status of Women, which in 2007 focused on discrimination and violence against the girl child.

3. The conference was attended by over 400 people representing Member States, United Nations agencies, international organizations, civil society and mass media, including heads of national ministries dealing with gender issues and social development, heads of major agencies of the United Nations system and other international organizations.

4. Special guests of the conference, General Assembly President Sheikha Haya Rashed Al Khalifa, Economic and Social Council President Dalius Čekuolis and Deputy Secretary-General Asha-Rose Migiro, opened the event.

5. The co-chairs of the conference were the Permanent Representatives of Belarus and the Philippines. Panel discussions were moderated by the Chief of the UNODC Anti-Trafficking Unit and the Chief of the UNODC New York Office.

6. The conference embodies the continuation of the process that emanates from the consensus in the General Assembly on two important resolutions. Resolution 61/144, entitled "Trafficking in women and girls", stresses the important role of a strong gender approach in combating this crime. Resolution 61/180, entitled "Improving the coordination of efforts against trafficking in persons", underscores the need to foster a global partnership against trafficking in persons, invites Member States to consider the advisability of a United Nations strategy or plan of action on

combating trafficking in persons and establishes an inter-agency coordination group on trafficking in persons.

7. The conference focused on the ways of ensuring a holistic and comprehensive response of the international community to the challenge of trafficking in women and girls, including through gender-sensitive anti-trafficking measures as an indispensable approach to rights-based anti-trafficking strategies.

8. The panellists at the conference were the Deputy Executive Director of UNICEF, the Deputy Head of the Administration of the President of the Republic of Belarus, the Deputy High Commissioner for Human Rights, the Deputy Director-General of the International Organization for Migration, Under-Secretary for Programmes and Policy of the Department of Social Welfare and Development of the Philippines, the Chief of the Anti-Trafficking Unit of UNODC, representatives of Vital Voices Global Leadership and End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) (United States of America), the Minister of the Interior of Belarus, representatives of Interpol and the Organization for Security and Cooperation in Europe, the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations and a professor at Pace University (United States).

9. Two documentary films were shown at the conference by Belarus and Vital Voices. The films highlighted anti-trafficking activities and programmes implemented in Belarus and Cambodia to fight trafficking in women and girls. They demonstrated the importance of a unified and effective response by the Governments, in partnership with NGOs and civil society, in tackling the problem of trafficking in human beings. They also stressed the importance of individual initiative and example in raising public awareness of this crime and rallying public support to fight human trafficking.

II. Key findings

Understanding the threats posed by trafficking in persons

10. Participants noted that the problem of trafficking in persons, especially women and girls, knows no boundaries and affects both developed and developing countries. They said it creates a threat to national security, undermines the economy and the stability of society and violates basic human rights and freedoms.

11. Participants also noted that trafficking in persons, especially women and girls, is the third most profitable criminal activity globally after arms smuggling and drug trafficking, and that it affects 30 million women and girls and brings a profit of about $9.5 billion for the traffickers/criminal syndicates. They suggested that this disgraceful phenomenon continues to exist in a civilized world because of ploys and tricks of traffickers, on the one hand, and the insufficient efforts of the international community in fighting it, on the other.

12. The conference recognized that two centuries after the abolition of the transatlantic slave trade the number of contemporary slaves — victims of human trafficking — continues to grow from year to year. Modern-day slavery has not become more humane; on the contrary, it has become more devious and brutal. Participants suggested that the means that were used 200 years ago against slavery can be used today against human trafficking. They pointed out that the slave trade

was abolished through the elimination of demand and prohibition of the slave trade in destination countries — in Europe and North America. It was proposed that nowadays to achieve the abolition of human trafficking the international community should also focus on the elimination of demand for trafficked humans.

13. The conference emphasized that anti-trafficking methods need to be gender-sensitive. The increasing feminization of migration on the one hand indicates the empowerment and greater autonomy of women but on the other hand increases the vulnerability of women to human trafficking. Participants noted that women constitute 80 per cent of all victims of human trafficking.

14. Participants agreed that child trafficking and commercial sexual exploitation places children in harmful situations, which also violate their human rights. They are subjected to life-threatening situations, including extreme violence and physical and sexual abuse. Victims suffer from anxiety, depression and low self-esteem. They are prone to anti-social behaviour, alcohol abuse and suicidal tendencies.

15. The importance of programmes to build protective environments for children, provide them with education and protect them from violence, exploitation and discrimination, including through the inclusion of courses on human trafficking in school programmes, was highlighted at the conference.

16. The conference recognized that girls happen to be the most vulnerable to human trafficking. Participants stressed the following factors that determine the high vulnerability of girls to human trafficking: social and economic exclusion, violence, gender bias and other forms of discrimination, the undervaluing of female labour, the growing reliance on girls for homework, the erosion of social norms, the reform of traditional societies and attitudes towards girls as a source of pleasure or as a "birth machine".

17. Participants provided examples of methods used in trafficking, such as marriage and modelling agencies, international adoption, escort services, mail-order brides and employment with a promise of a better-paid job. The conference suggested that Member States monitor activities related to employment and study abroad, modelling businesses, marriage agencies and international adoption in order to ensure that an individual has an opportunity to receive objective information, make an independent choice on the basis of this information and get a job or services that he or she conscientiously agrees to. Proposals were also made to verify the contracts of those who want to work abroad, to organize predeparture briefings in airports to inform people of the dangers of trafficking, to establish specialized forensic laboratories and to monitor the conduct of trials involving human trafficking cases.

18. Participants noted that recruiters trap potential victims through fraud, deceit, lack of information about future jobs and employers, working conditions, accommodations and hazy promises about incredible wages. Traffickers control victims through violence or threats of violence against them or their relatives, as well as through taking possession of victims' documents.

19. Victims, especially women and girls, usually end up in prostitution dens or are forced to work in factories with no real wages or social protection. They fall prey to the actions of traffickers in search of a better life for them and their families.

Important dimensions of a coordinated and integrated response

20. Participants recognized that in order to deal effectively with trafficking in persons, especially women and girls, there is a need for rallying political will and resources, both human and financial. The dire lack of resources to support initiatives against this scourge was acknowledged and viewed by the participants as an indication of an absence of serious commitment.

21. The critical role of governments in the fight against trafficking was widely acknowledged at the conference. Their wholehearted collaboration with international organizations, civil society, including NGOs, mass media and the private sector was considered a must. The need for united and concerted action of all partners in fighting the crime of trafficking was considered to be of critical importance.

22. The participants agreed that the root causes of trafficking must be addressed. They noted that poverty, lack of opportunities, gender disparity, lack of education, inequality, violence, wars and other disasters, barriers to legal labour migration, difficulties in integrating migrants in local societies, the legalized sex industry, corruption, impunity of buyers of labour and services of victims and demand for cheap labour and services are the basic factors that encourage trafficking of women and girls.

23. Some participants offered criticism of the prevailing focus of the international community on the supply side of human trafficking and the ensuing imposition of trade sanctions against some countries of origin. They maintained that, although poverty and gender discrimination make people vulnerable to human trafficking, these factors are not the root causes or prerequisites of trafficking. It was suggested that more attention should be given to the demand side of human trafficking, the prosecution of traffickers and ensuring equal labour rights of migrants and domestic workers through the creation of employers' ethical associations, raising public awareness in countries of destination and assisting consumers in identifying services and products made without forced labour.

24. The conference also discussed the issue of trafficking for prostitution. Participants took up the question of effective prosecution of perpetrators of trafficking. They considered, for example, whether clients have to be prosecuted only in cases when they know that a person has been trafficked for prostitution, whether it was proper to prosecute prostitutes, and the issue of legalization of prostitution. Participants recognized the need to analyse which model is the most efficient. It was agreed that in any model traffickers should be prosecuted. Participants also implied that a low number of convictions of perpetrators of trafficking may be explained by the lack of pronounced political will to combat human trafficking.

25. The importance of awareness-raising as well as of the all-inclusive and all-engaging nature of anti-trafficking efforts was also seen as critical. The Global Initiative to Fight Human Trafficking and Slavery launched by UNODC and the planned International Conference against Human Trafficking were considered important means of intensifying global anti-trafficking efforts.

26. The need for sound data and research on causes, risk factors, prevalence and forms of trafficking, which could serve as a basis for developing policy responses, effective laws and support services for victims, was also highlighted at the

conference. Some participants noted the lack of effective and comprehensive evaluation and monitoring of implemented measures as well as a lack of resources to finance such work. The importance of exchanging information, lessons learned, best practices and the elaboration of common strategies was emphasized. Participants proposed to use Interpol tools for more efficient data-sharing between law enforcement agencies in order to increase the efficiency of cooperation in the investigation of trafficking crimes.

27. The impact of corruption of public officials, especially of law enforcers, was highlighted. In a number of countries, some law enforcement officers were found to be involved in trafficking in persons or, as a result of lack of proper training in handling such cases, became complicit/tolerant of a certain modus operandi that leads to trafficking. Participants recognized the need to strengthen national criminal justice systems for effective combating of human trafficking.

28. The participants also stressed the need to not revictimize the victims and to prevent them from suffering multiple human rights violations — firstly when victimized by perpetrators through daily sexual, physical and mental violence which destroys human personality and makes victims disabled and, secondly, when victims are treated as criminals and illegal migrants by government agents, held in detention, prosecuted and deported. Instead, victims should be given the unconditional support services they need — accommodations, food, family search, counselling, health care, employment assistance, physiological help and legal advice for their eventual reintegration and rehabilitation, including protection from stigmatization and recovery of their dignity. Participants underlined that adopting a human rights-based approach was critical to protecting victims and potential victims of trafficking. The conference also recommended that Member States make the best use of the Recommended Principles and Guidelines on Human Rights and Human Trafficking of the Office of the United Nations High Commissioner for Human Rights (see E/2002/68/Add.1).

29. Participants stated that the trafficking problem must be tackled in a coherent manner with a strategic coordinated approach. They all agreed that trafficking is an issue that requires comprehensive efforts in prevention, protection of the vulnerable and the victims and prosecution of the traffickers. It was also noted that effective cooperation among Member States was necessary to ensure a comprehensive approach to the problem.

30. The following elements of the comprehensive approach were proposed: (a) effective prosecution of traffickers, prevention of human trafficking and protection of its victims; (b) effective cooperation between countries of destination, transit and origin; (c) a clear distinction between illegal migration, smuggling and human trafficking (it was suggested that forced labour and exploitation distinguish human trafficking from two other forms of irregular migration); (d) studying and addressing complex dimensions of the supply and demand sides of human trafficking; and (e) double discrimination of trafficked women and girls.

31. Participants spoke about the following new initiatives to combat human trafficking for sexual exploitation in the travel sector and on the Internet: (a) travel agencies sign a code against human trafficking and agree to introduce policies against sexual exploitation; and (b) a virtual global task force consisting of the relevant law enforcement departments of Australia, Canada, the United Kingdom

and the United States acts to prevent the use by sex offenders of the Internet for the sexual abuse of children.

32. Attention was drawn to the forums against human trafficking. The World Congress against Human Trafficking was hosted by Sweden in 1996. Organized in partnership with UNICEF and ECPAT, the Congress was attended by more than 120 participants. In 2001, the second forum took place and it was proposed to consider holding a third forum focusing on improving the collaboration of all partners.

33. Participants proposed the establishment of regional training centres on combating human trafficking for law enforcement agencies.

34. The conference suggested that technical and other assistance should be provided to developing countries and countries with economies in transition in order to improve legislation, create well-trained anti-trafficking units and hold effective preventive information campaigns.

35. Participants welcomed the establishment of the inter-agency coordination group, which should ensure the regular exchange of information between interested international organizations. They suggested that work of the group may create a good foundation for the establishment, on a voluntary basis, of a global partnership of States, international organizations, civil society and mass media against slavery and trafficking in persons.

36. The proposal was made to begin drafting a joint United Nations strategy on combating human trafficking for ensuring the complementary and mutually reinforcing nature of all anti-trafficking measures of United Nations agencies and other international organizations.

37. Participants suggested the elaboration of an international convention with the definition of the status of victims of human trafficking and mechanisms of their rehabilitation and repatriation.

III. Conclusions of the conference

38. The main conclusion of the conference was the recognition of the importance of a people-centred and well-coordinated approach to the problem of trafficking in human beings.

39. Synchronizing of a multitude of mandates and overlapping spheres of expertise and responsibility while ensuring due respect for the dignity and human rights of victims is an essential prerequisite of a successful global fight against human trafficking.

40. In summary, the conference is hardly a conclusion of a dialogue on fighting human trafficking, but rather the beginning of a new stage of focused discussion, interested cooperation and effective practical action by all partners.